

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 KEVIN J. HILL,

9 Plaintiff,

Case No. C17-0042-RAJ-JPD

10 v.

REPORT AND RECOMMENDATION

11 KING COUNTY, *et al.*,

12 Defendants.

13  
14 This is a civil rights action filed under 42 U.S.C. § 1983. Plaintiff Kevin Hill filed this  
15 action in January 2017 while he was confined at the King County Jail in Seattle, Washington.  
16 Plaintiff alleged in his amended civil rights complaint, the operative complaint in this action, that  
17 he had been denied treatment for venous insufficiency and edema while confined at the King  
18 County Jail, resulting in constant pain and impaired mobility. (Dkt. 7 at 3.) Plaintiff further  
19 alleged that he had been denied proper treatment for his glaucoma, resulting in vision loss in one  
20 eye. (*See id.*) Plaintiff stated in his request for relief that he was seeking adequate medical care,  
21 as well as the costs for eye surgery, an updated eyeglass prescription, and replacement lenses,  
22 which he estimated to be approximately \$7000.

1 Plaintiff's amended complaint was served on defendants in March 2017, and defendants  
2 filed a timely answer to the amended complaint in May 2017. (*See* Dkts. 8, 9 and 13.) This  
3 Court thereafter issued a scheduling order establishing deadlines for discovery and for the filing  
4 of dispositive motions. (Dkt. 14.) Those deadlines were extended in August 2017 to  
5 accommodate plaintiff's transfer from King County custody to Washington Department of  
6 Corrections custody. (Dkt. 23.) The dispositive motion filing deadline was extended again in  
7 September 2017 to permit plaintiff additional time to receive and review records he had  
8 requested from Harborview Medical Center and the Department of Corrections. (*See* Dkt. 27.)  
9 The current dispositive motion filing deadline is December 11, 2017. (*See id.*)

10 Plaintiff has now filed a motion to dismiss this action, citing the Court's denial of his  
11 request for appointment of counsel, and his inability to obtain necessary medical records or to  
12 secure witness interviews without counsel. (*See* Dkts. 28 and 28-1 at 1.) Plaintiff also indicates  
13 in his motion that the medical issues raised in this action were resolved once he transferred into  
14 the custody of the Washington Department of Corrections. (Dkt. 28-1 at 2.) Defendants have  
15 filed no response to plaintiff's motion to dismiss this action.

16 As plaintiff has indicated his desire to dismiss this action, and defendants have not  
17 opposed plaintiff's request, this Court recommends that plaintiff's motion to dismiss be granted,  
18 and that this action be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(2). A  
19 proposed order accompanies this Report and Recommendation.

20 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
21 served upon all parties to this suit by no later than **December 8, 2017**. Failure to file objections  
22 within the specified time may affect your right to appeal. Objections should be noted for  
23 consideration on the District Judge's motion calendar for the third Friday after they are filed.

1 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no  
2 timely objections are filed, the matter will be ready for consideration by the District Judge on  
3 **December 15, 2017.**

4 This Report and Recommendation is not an appealable order. Thus, a notice of appeal  
5 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the  
6 assigned District Judge acts on this Report and Recommendation.

7 DATED this 17th day of November, 2017.

8 

9 JAMES P. DONOHUE  
10 Chief United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23